

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JAMAINE WILLIAMS, #R-19682)	
)	
Plaintiff,)	
)	
-vs-)	No. 15-523-SMY-MAB
)	
ALEX MULL, et al.,)	
)	
Defendants.)	

NOTICE TO THE COURT

NOW COME the Defendants, DONALD GAETZ, KURTIS HUNTER, S.A. GODINEZ, ALEX MOLL, TREVOR ROWLAND, and ERIC WANGLER, by and through their attorney, Kwame Raoul, Attorney General of the State of Illinois, and pursuant to the Court's October 1, 2019 Text Order, hereby provide their Notice to the Court, stating as follows:

1. On May 8, 2015, Plaintiff, Jamaine Williams, filed his initial Complaint, alleging violations of his constitutional rights during a shakedown at Pinckneyville Correctional Center on August 23, 2013. [Doc. 1].
2. Plaintiff filed his Amended Complaint on September 30, 2015. [Doc. 19].
3. On March 8, 2016, the instant matter was consolidated with the case of *Ross v. Gossett, et al.* (case No. 15-cv-309-SMY-MAB), currently pending in the Southern District of Illinois. [Doc. 56].
4. On March 25, 2019, this case was severed from the *Ross* case. [Doc. 59].
5. Pursuant to the Court's scheduling order, Plaintiff had until August 5, 2019, to identify the John Doe Nurse named by Plaintiff. [Doc. 64].
6. Plaintiff did not timely file a motion to substitute.

7. The Court notes Plaintiff filed a request for leave to amend his complaint on February 22, 2016, prior to the consolidation with the *Ross* case, wherein he names Nurse Tina Neff as the John Doe Nurse. [Doc. 55].

8. When the instant matter was consolidated with the *Ross* case, the Court advised Plaintiff that all of his pending motions were terminated, and Plaintiff was given leave to refile any such motions in the case of *Ross*. [Doc. 54].

9. Undersigned counsel was unable to locate any motion filed by Plaintiff in the *Ross* case identifying Tina Neff.

10. Because Plaintiff did not properly move to substitute Tina Neff, Defendants object to her substitution.

11. Moreover, even if the Court deems Plaintiff's request for leave to amend as a motion to substitute, the claims against Tina Neff are barred by the applicable two-year statute of limitations. Plaintiff's allegations concern a shakedown at Pinckneyville on August 23, 2013. He did not file his motion for leave to amend until February 22, 2016, outside of the applicable two-year statute of limitations.

12. Plaintiff's lack of action with regard to the motion to substitute negates any equitable tolling.

13. Tina Neff would be unfairly prejudiced by allowing her to be named in a lawsuit for events which allegedly occurred over six years ago.

WHEREFORE, for the above and foregoing reasons, Defendants object to substituting Tina Neff for the John Doe Nurse defendant.

Respectfully submitted,

DONALD GAETZ, KURTIS HUNTER, S.A.
GODINEZ, ALEX MOLL, TREVOR ROWLAND,
and ERIC WANGLER,

Defendants,

Megan Ditzler, #6318052
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KWAME RAOUL, Illinois Attorney General,

Attorney for Defendant,

By: s/ Megan Ditzler
Megan Ditzler, #6318052
Assistant Attorney General

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

JAMAINE WILLIAMS, #R-19682)	
)	
Plaintiff,)	
)	
-vs-)	No. 15-523-SMY-MAB
)	
ALEX MULL, et al.,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2019, the foregoing document, *Notice to the Court*, was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

NONE

and I hereby certify that on October 9, 2019, a copy of the foregoing document was mailed by United States Postal Service, to the following non-registered participant:

Jamaine Williams, #R-19682
Hill Correctional Center
Inmate Mail/Parcel
600 S. Linwood Road
PO Box 1327
Galesburg, IL 61401

Respectfully submitted,

s/Megan Ditzler
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